

REMARKS

The Office rejected claims 1, 2, 9-12, 14, 20 and 24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,209,466 to Wodrich (hereinafter "Wodrich '466"). "To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently." *In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997).

With respect to Amended Claim 1:

Claim 1 has been amended to include the limitations of original claims 2 and 3 (now cancelled). Wodrich '466 fails to disclose "a length of liquid conduit disposed through [a] passageway . . . wherein one end of said liquid conduit is in fluid communication with a liquid supply reservoir and wherein a second end of said liquid conduit is supported rearwardly and in substantial alignment with [a] lower end of [a] resilient tool, whereby said liquid conduit communicates liquid from said liquid supply reservoir downward through said passageway and rearwardly of said lower end of said resilient tool." Accordingly, because Wodrich '466 fails to disclose each and every limitation of amended Claim 1, either explicitly or inherently, the Office's 102(b) rejection of Claim 1 must be withdrawn.

With respect to Claims 4-8:

Claims 4-8 are dependent upon independent Claim 1. Because the Office's 102(b) rejection of Claim 1 based on Wodrich '466 must be withdrawn for the reasons identified above, the Office's 102(b) rejections of Claims 4-8, which depend from amended Claim 1, must also be withdrawn.

With respect to Claim 9:

Claim 9 which originally depended from Claim 1, was rewritten in independent format using the text of original Claim 1, no other changes to original Claim 9 have been made.

The Office's 102(b) rejection of original Claim 9 is erroneous. Wodrich '466 does not disclose, either explicitly or inherently, "a support arm having first and second ends, said first end operably supported by said housing, said second end extending rearwardly of said first end and in substantial alignment with said seed tube, said second end having a fitting to support one

end of a conduit." In reference to Wodrich '466, even assuming the pin 36 that extends through clevis 32 of the boot 24 for securing the boot 24 to the seed tube 22 could be construed as corresponding to the "support arm" as claimed by Applicant, the pin 36 does not have a "second end having a fitting to support one end of a conduit" as claimed by Applicant. Accordingly, the Office's 102(b) rejection of claim 9 is erroneous and must be withdrawn.

With respect to Claim 10:

Claim 10 was amended to correct a typographical error. The Office's 102(b) rejection of Claim 10 is erroneous. Claim 10 recites ". . . mounting structure including a pair of first metal ears between which the seed tube is receivable, each of said first metal ears having an opening sufficient to receive a shaft rotatably supporting at least one furrow opening disc forwardly of the seed tube." In reference to Wodrich '466, in particular Fig. 3, even if the clevis 32 and/or strap 38 could be construed as structure corresponding to the "mounting structure including a pair of first metal ears between which the seed tube is receivable, each of said first metal ears having an opening sufficient to receive a shaft . . . ," under this construction, the only possible structure in Wodrich '466 that could be construed as corresponding to the "shaft" is the pin 36. However, the pin 36 of Wodrich '466 does not "rotatably support[] at least one furrow opening disc forwardly of the seed tube." Accordingly, because the foregoing limitation is not present in Wodrich '466, either explicitly or inherently, the Office's 102(b) rejection of claim 10 is in error and must be withdrawn.

With respect to Claims 11, 12 and 14

Claims 11, 12 and 14 are each ultimately dependent upon Claim 10. Because the Office's 102(b) rejection of Claim 10 based on Wodrich '466 must be withdrawn for the reasons identified above, the Office's 102(b) rejections of Claims 11, 12 and 14 must also be withdrawn.

With respect to Claim 20:

Claim 20 was amended to correct a typographical error. The Office's 102(b) rejection of original Claim 20 is erroneous. Wodrich '466 does not disclose, either explicitly or inherently, "a support arm having first and second ends, said first end operably supported by said housing, said second end extending rearwardly of said first end and in substantial alignment with said seed

tube, said second end having a fitting to support one end of a conduit." In reference to Wodrich '466, even assuming the pin 36 that extends through clevis 32 of the boot 24 for securing the boot 24 to the seed tube 22 could be construed as corresponding to the "support arm" as claimed by Applicant, the pin 36 does not have a "second end having a fitting to support one end of a conduit" as claimed by Applicant. Accordingly, the Office's 102(b) rejection of claim 20 is erroneous and must be withdrawn.

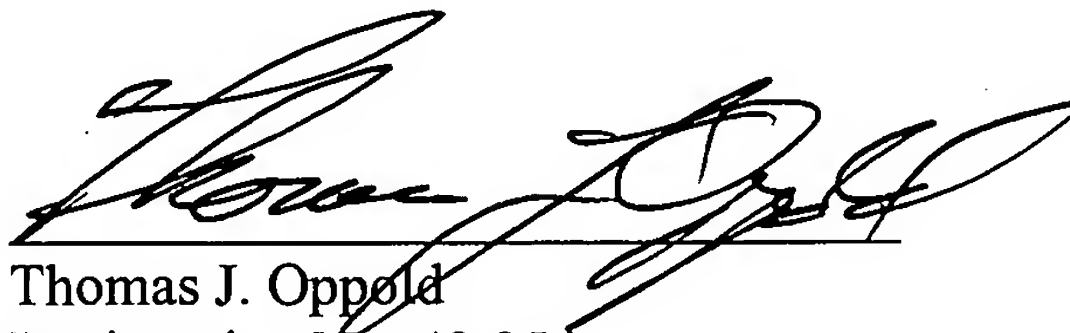
With respect to Claim 24

Claim 24 is dependent upon Claim 20. Because the Office's 102(b) rejection of Claim 20 based on Wodrich '466 must be withdrawn for the reasons identified above, the Office's 102(b) rejection of Claim 24 must also be withdrawn.

For the foregoing reasons, Applicants respectfully request that a timely notice of allowance be issued in this case for Claims 1, 4-31, and new claims 32-37.

Respectfully submitted,

Date: December 23, 2004



Thomas J. Oppold
Registration No. 42,054
Customer No. 23452